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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the territory of the former Yugoslavia

Periodic report submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 42 of Commission resolution 1995/89

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Introduction

1. The Special Rapporteur conducted a mission to Croatia and Bosnia and Herzegovina from 22 May to 3 June 1995, in accordance with the mandate given to him by the Commission on Human Rights. The mission coincided with a moment of great crisis in these territories. It took place shortly after the Croatian offensive in Western Slavonia and the following dramatic events unfolded while the mission was still under way:

The massacre of 71 civilians in Tuzla;

Increased shelling of Sarajevo leading to substantial civilian death and injury;

The taking of United Nations personnel as hostages;

The escalation of serious human rights violations in the Banja Luka region.

2. Because of various obstacles, the mission of the Special Rapporteur only covered Western Slavonia in Croatia, and central and south Bosnia and Herzegovina. The detailed programme of the mission is reproduced in the annex to the present report. This report presents the findings of the Special Rapporteur on the areas visited as well as information on important human rights developments in areas he was unable to visit owing to the security situation or denial of access, such as Sarajevo, other United Nations designated "safe areas" and Banja Luka.

3. The Special Rapporteur would like to emphasize at the outset that further investigation is necessary before a clear picture of events in Western Slavonia can be obtained. In particular, it is indispensable that testimonies are collected from Serbian refugees who are at present in territory controlled by de facto Bosnian Serb 1/authorities in Bosnia and Herzegovina, in the Federal Republic of Yugoslavia or in the territory of the so-called Republic of Serb Krajina ("RSK"). Neither the Special Rapporteur nor his field staff have been given access to these territories despite numerous requests.

4. The authorities in Croatia and in Bosnia and Herzegovina offered their cooperation in the conduct of the mission. The Special Rapporteur would like to express his gratitude to representatives of the local population and non-governmental organizations for their willingness to share relevant information and opinions.

1/ Whenever the terms "Bosnian Serb forces" or "Bosnian Serb de facto authorities" are used in this report, reference is being made, unless otherwise indicated, only to Bosnian Serbs who are in the military or civilian service of the de facto administration which has its political headquarters at Pale. In particular, no reference is intended or to be implied to any Bosnian Serbs who are loyal to the Republic of Bosnia and Herzegovina.

5. The full cooperation provided to the Special Rapporteur in the implementation of his mandate by the United Nations Peace Forces (UNPF), and in particular the civilian component and the United Nations Civilian Police (Civpol) is welcomed and it is hoped that they will continue to play an active role in the field of human rights in the region.

I. CROATIA - Western Slavonia (Sector West)

A. Events occurring during the military operation

6. On 1 May 1995, the Republic of Croatia launched a major military operation in Western Slavonia, violating the cease-fire agreement of 29 March 1994. Western Slavonia (Sector West) had been defined as a United Nations Protected Area (UNPA), subject to United Nations protection and monitoring since 1992, pursuant to Security Council resolutions and United Nations-brokered cease-fire agreements, and constituted part of the so-called "Republic of Serb Krajina" ("RSK"). Croatian Army troops, supported by some 30 tanks, moved into the Sector on 1 May 1995 from three directions and pushed towards the border of Bosnia and Herzegovina to the south, taking most Serb-controlled territory within 36 hours and the entire Sector by 4 May 1995. United Nations forces in Sector West, comprised of battalions from four countries, took no action to deter the Croatian Army offensive. The Croatian Army blocked all access of international monitors throughout most of the area of the military operation for four days following its initiation, and in some areas for a full week.

1. Okucani area

7. The most intensive fighting in the Sector occurred in its southern half, mostly around the town of Okucani. As many as 10,000 people fled from this area into the Serb-held territory of Bosnia and Herzegovina on 1-2 May 1995, in a convoy which included many civilians along with a number of "RSK" soldiers and military vehicles. The road from Okucani to the crossing into this territory at the Sava River bridge sustained heavy shelling by Croatian forces during this period, and Croatian warplanes bombarded both sides of the river. To date it has not been possible to establish the exact number of civilians killed in the course of these events. According to Croatian government sources, some 20 "RSK" civilians were killed in the Sector during the entire operation; however, reports from refugees who succeeded in crossing the river indicate the number along the Okucani-Sava River road alone may have been considerably higher.

8. North of the Sava River bridge, United Nations troops withdrawing from their posts on 2 May 1995 reported seeing numerous bodies of civilians scattered along the road between the river and Novi Varos, south of Okucani, and as many as 30 dead civilians in vehicles clustered in a group at Novi Varos itself. Heavy automatic weapons fire was heard in the area at the time, and the dead appeared not to have been victims of artillery impacts. In a similar incident further north on the same road, two different sources recounted to the Special Rapporteur's field staff the alleged killing by Croatian machine-gun fire of as many as 10 intending refugees aboard a truck at Benkovac on the night of 1-2 May 1995.

9. Serbs who lived further from the road to the border had little chance to flee to the Serb-held territory of Bosnia and Herzegovina and thus faced the Croatian military as it swept into the Sector. According to reports received by the Special Rapporteur, including one from an eyewitness, Croatian Army troops entering the village of Paklenica from Novska on 1 May 1995 appear to have fired indiscriminately at civilians and homes, despite encountering no resistance, and may have killed as many as 10 civilians at that location. One source reported witnessing Croatian Army soldiers dumping the bodies of two women into a well. On 2 May 1995, United Nations personnel fleeing Okucani westwards, through Paklenica in the direction of Novska, reported seeing some 50 bodies along the road, including those of civilians. Near Paklenica, the Croatian Army also reportedly detained a group of 15 Serb civilians fleeing towards Okucani along a path in the woods. The men were separated from the women and children and beaten severely, and all the members of the group were forced to hand over their money and valuables.

10. It is alleged that 16 civilians were killed in the villages of Medari and Trnovo on 2 May 1995 by Croatian army soldiers and then buried in a mass grave near the cemetery. The case will require further investigation as there are indications that the victims were killed in an area where there was no specific military combat taking place.

11. Croatian Army soldiers entering the village of Gornja Sumetlica on 4 May reportedly opened fire on a group of some 15 civilians attempting to flee the area, killing two of them. The Special Rapporteur's field staff observed two fresh gravesites at the location during a visit on 11 May.

12. Between 2 and 4 May 1995, the Croatian military reportedly conducted an intensive clean-up operation in the areas around Okucani, west towards Novska and south towards the Sava River bridge. A chemical disinfectant machine was reported in the area, bodies were seen being loaded into trucks and, according to one reliable account, a convoy of refrigerator trucks was seen on 3 May 1995 heading west from Okucani along the main highway towards Zagreb. By the time international observers were permitted entry to the area after 4 May 1995, no signs of possible breaches of humanitarian law were visible.

2. Pakrac area

13. In Gavrinica, a suburb of Pakrac (the main town in the north of Serb-controlled area of Sector West), fighting was suspended on 3 May 1995 after a "demobilization" brokered in part by the local United Nations Argentine Battalion was tentatively accepted by both sides. The agreement would have allowed some 600 "RSK" fighters gathered in Gavrinica and their families to obtain safe passage to Bosnia, after gradually surrendering their weaponry (with the exception of side-arms) to the United Nations over the course of five days.

14. At 2 p.m. on 4 May 1995, one hour before discussions on the demobilization were to resume, the Croatian military commenced an intense artillery barrage of the area in Gavrinica in which the "RSK" soldiers were gathered. Purportedly the attack was launched in response to fire from "RSK" positions, although international observers at the scene deny such fire occurred. A number of civilians, including two girls, were reportedly killed

in the shelling assault, and others were wounded. The Croatian Army demanded and received unconditional surrender from the "RSK" fighters in Gavrinica at about 4 p.m. that afternoon.

3. General Remarks

15. On 4 May 1995, during remarks in the Parliament, the Croatian Minister of Defence stated that between 350 and 450 "RSK" soldiers had been killed and 1,200 wounded during the operation by Croatian forces, which themselves suffered 37 fatalities and some 150 wounded. No figure was given for the number of civilian dead. However, Croatian government figures released on 22 May 1995 set the number of Serb dead at 188, of which 20 and possibly a total of 54 were claimed to have been civilians. Burial sites were observed by the Special Rapporteur's field staff on 16 May 1995 at Vrbovljani and Okucani which bore the appearance of possible mass graves. The sites were later significantly altered, with individual mounds created and marked with crosses near the end of May. The Government of Croatia has stated that the 188 bodies, of which 127 have been identified, are now located in 13 cemeteries around the area. The Government, however, refuses to release data on the identities of most of the war dead.

16. At the same time, the Government claimed to have treated only 10 wounded individuals from "RSK" in Croatian hospitals. The United Nations has estimated that about 500 wounded persons from the "RSK" fled into the Serb-held territory of Bosnia and Herzegovina with the retreating Serbian population during the first two days of the military operation.

17. Over 100 houses were destroyed during the military offensive in Western Slavonia. According to a reliable report received by the Special Rapporteur, the new chief of police in Okucani acknowledged that some houses in Vrbovljani, Covac and Okucani were intentionally blown up after the initial fighting because "these villages were well-known for terrorist activities in the past". There were also numerous incidents of looting by the advancing Croatian forces and, to a lesser extent, by those of the retreating "RSK". The field staff of the Special Rapporteur viewed extensive damage in more than 50 dwellings throughout the sector.

4. "RSK" attacks on civilians in Croatia outside the area of the military operation

18. In response to Croatia's offensive in Western Slavonia, the "RSK" authorities ordered a series of artillery and rocket attacks on several Croatian cities, including Karlovac and Sisak, which were carried out on 2-3 May 1995. More than 10 Orkan rockets packed with cluster bombs were fired during the mid-day hours into the Croatian capital of Zagreb, killing 6 civilians and wounding more than 100 others. One rocket struck a children's hospital in the city centre.

B. Mass detention

19. Following their recovery of control over Western Slavonia, the Croatian authorities immediately detained virtually all males, particularly from the area around Pakrac (Gavrinica). A total of 1,494 men, including youths and

some elderly men, were taken into custody in three community centres in the towns of Bjelovar, Pozega and Varazdin.

20. In the temporary detention facilities, prisoners were interviewed in a process described by Croatian authorities as an attempt to identify possible "war criminals"; it was announced that all other detainees were to be released unconditionally under the terms of an "abolition" law exempting them from possible prosecution for activities on behalf of the "RSK". The centres were opened to international inspection and dozens of officials and press representatives were permitted inside to observe the detainees, who were gathered on blankets on gymnasium floors.

21. According to international observers, detainees appeared to have suffered no major mistreatment during this initial stage. However, the Special Rapporteur has received several credible reports of abuse of prisoners committed some days after the detention programme commenced. Several accounts were received of beatings occurring at the Varazdin facility, and the Government of Croatia has informed the Special Rapporteur that one policeman posted there has been released from employment and may be prosecuted. An elderly former detainee interviewed by the Special Rapporteur's field staff while receiving medical treatment for his injuries stated that rooms out of view of international monitors were used at Varazdin for the beating of prisoners.

22. Other former detainees reported being beaten and verbally abused, some after transfer from the community centre in Pozega to the Pozega prison, and others while in bus transit (which took place after midnight) from the Bjelovar prison to release in Pakrac. The latter incident allegedly concerned some 25 prisoners and occurred at the hands of a military policeman in a bus on the night of 16 May 1995.

23. Most of the 1,494 prisoners were released by the Government of Croatia within a few days, and some after about two weeks. However, none of these individuals received written notice of their protection from future prosecution under the "abolition" law. According to information received uptil the end of June, the authorities are continuing to hold for further investigation some 186 men in standard prison facilities in the cities of Zagreb, Osijek, Bjelovar and Pozega, as well as 19 alleged expatriate prisoners-of-war in a military stockade in Split, contrary to assurances given to the Special Rapporteur in early June that the vast majority of them would soon be released. The Government's initial failure to provide data to relatives and international agencies concerning the identities and locations of detained individuals caused intense feelings of insecurity and alarm among families remaining in the Pakrac area.

24. The Special Rapporteur has received reports of numerous rearrests in Gavrinica and its environs of people who had earlier been released from detention. These incidents of rearrest have also contributed to the insecurity felt by Serbs remaining in the Sector.

25. The right to fair trial of those currently in custody is reportedly not being fully secured as access to legal counsel appears to be inadequate and no

specific charges seem to have been brought against many of them. The field staff is examining this situation, and the Special Rapporteur will communicate his conclusions to the Government in due course.

26. On 9 June, the law on "abolition", guaranteeing freedom from prosecution for all "RSK" soldiers apart from those who have allegedly committed war crimes, was officially extended in scope to cover those persons arrested by the Croatian authorities during the course of the operation in Western Slavonia.

27. During a meeting on 2 June with representatives of the Government of Croatia, the Special Rapporteur requested that the International Committee of the Red Cross (ICRC) be given full access to all detained persons. Such access has now been granted.

C. Refugees

28. During the first two days of the military operation, as many as 10,000 people fled from the Serb-held area of Western Slavonia, mostly from the Okucani area, across the Sava River bridge into northern Bosnia and Herzegovina. The "RSK" authorities had previously held regular evacuation drills, and there are reports that some of the refugees may have been forced into leaving against their will. Subsequently, in negotiations with UNPF and the Croatian authorities, the leaders of the "RSK" insisted that the persons left behind, estimated at 3-4,000, be given the opportunity to leave Western Slavonia and join the other refugees in the Serb-held territory of Bosnia and Herzegovina. The United Nations acceded to this demand and initiated the programme known as "Operation Safe Passage", within the context of the Four Point Cessation of Hostilities Agreement.

29. Serbs still living in the Sector were advised of their right to remain, and the public assurances of the Government of Croatia that their rights, including the right to citizenship of the Republic of Croatia, would be fully respected. Nevertheless, during the month of May hundreds of Serbs from Sector West applied for inclusion in Operation Safe Passage, and by early June more than 2,000 had left for Serb-held territory in Bosnia and Herzegovina. According to recent information, no more than 1000 remain in the Sector. Numerous observers have voiced concerns that the operation was conducted in an unduly hasty manner and persons were not adequately informed of their rights. However, continuing demand for inclusion in the exit convoys as late as mid-June suggests that most Serbs in Western Slavonia were intent upon leaving under any circumstances. Intending refugees interviewed by the Special Rapporteur's field staff indicated that the main reasons for their wish to depart were the desire to join relatives who had already fled, and doubts about future prospects in Croatia, especially the security situation and the likelihood of finding work.

30. In meetings held with the Special Rapporteur in early June, the Government of Croatia stated that refugees who fled Western Slavonia, either in the initial exodus in early May or in Operation Safe Passage, would be permitted to return. However, such permission was to be extended only to persons who had resided in the area prior to 1991, and who are judged not to

be "war criminals". At the time of preparation of this report, some 100 refugees in northern Bosnia and in Serbia (Federal Republic of Yugoslavia) had indicated to UNHCR their wish to effect such return.

D. Situation in Sector East

31. In late May, an influx of thousands of Western Slavonian refugees began moving into the Serb-controlled area in Croatia known as Sector East, having travelled from the Banja Luka region of Bosnia through the Federal Republic of Yugoslavia (Serbia and Montenegro). Nearly 100 Croats from at least one town in Sector East, Bapska, reportedly left their homes of their own volition, for self-protection, and sought refuge in Serbia. The situation in Sector East remained highly volatile in mid-June, although most of the approximately 4,000 refugees appear to have been provided with temporary accommodation. Tension in the Sector has been aggravated by widespread incidents of lawlessness, including numerous grenade attacks on homes belonging to non-Serbs. There have also been numerous hijackings of vehicles belonging to international organizations in the Sector. It appears that the de facto authorities are unable or unwilling to control these incidents, and freedom of movement for all in the Sector is accordingly severely restricted.

E. Human rights situation in Western Slavonia following the re-establishment of Croatian administration

32. Extensive reports received by the Special Rapporteur and his field staff, as well as by other international observers, reveal that intimidation and abuse of Serbs living in Western Slavonia were widespread in the days following Croatia's resumption of control over the area. Many human rights violations were attributed to soldiers of the Croatian Army, who remained present throughout the Sector for at least 10 days following the end of the military operation.

33. In the village of Bukovcani, an elderly woman whose farm was occupied by Croatian soldiers was regularly threatened, and on one occasion had a knife held to her throat while the soldiers demanded information about hidden weapons. She later decided to abandon her home and join Operation Safe Passage into Bosnia. In Brusnik, Croatian police officers reportedly hung bells around the necks of local Serb residents and forced them to bleat and to eat salt; the local police chief removed the unit responsible from the area upon hearing of the incident. Numerous incidents of harassment were reported to have occurred at night, as in one case in which drunken soldiers entered a home in Seovica, threatened and insulted the occupants and demanded liquor.

34. In the village of Skenderovci, the Special Rapporteur's field staff investigated a report of the murder of an elderly Serb couple some time between 10 and 15 May 1995. Inspection of the couple's farm revealed two locations teeming with worms where an eyewitness had observed the Croatian police collecting the bodies the day before. Field officers then went to the local cemetery and found two fresh grave sites marked by a cross which had been taken from a nearby plot. The available evidence indicates that the Croatian authorities failed to undertake a proper investigation of the circumstances of these killings.

35. It was reported to the Special Rapporteur that six bodies had been dumped in a shed at the municipal cemetery in Okucani. On 16 May 1995 field officers viewed the bodies of three elderly persons lying on the floor of the shed and reported the incident to UN authorities who in turn contacted the Croatian authorities. No information has been received by the Special Rapporteur as to whether an investigation has been conducted into the circumstances of these deaths.

36. On 16 May 1995, international workers present in the village of Bijela Stijena observed the bodies of nine elderly persons in one house. Croatian Army troops ordered the workers to leave the area on the grounds that it was "unsafe" and when they returned several hours later, the bodies had been removed. The soldiers offered no explanation for the incident.

37. On 6 May 1995, elderly nuns in the St. Ana Monastery (Serb Orthodox Church) in the Croatian-held part of Sector West were attacked by four persons who beat one nun, smashed doors and windows and stole the nuns' money. Two alleged perpetrators, both Croatian soldiers, were later arrested and imprisoned at Bjelovar.

38. Numerous credible reports have been received of the theft of property from dwellings which had been abandoned during the course of the military action. In one typical incident, a woman reported being threatened with a gun by a man in civilian clothes when she tried to prevent him from stealing her brother's corn supply in the village of Ladevac at the end of May. Testimonies were also received of people being forced to sell their personal possessions at unreasonably low prices.

39. The Croatian authorities have been unable to inform the Special Rapporteur of individuals who have been arrested or prosecuted for criminal offences committed in Western Slavonia (except in the case of the St. Ana nuns) since the conclusion of the military operation at the beginning of May.

40. Testimonies from Serbs remaining in the Sector indicate that the Croatian police, who assumed responsibility for security following the departure of the army, generally have comported themselves professionally. However, the presence of dozens of Croatians in civilian clothes carrying side arms in full view without interference by the police, considerably added to local tension in the days following the offensive.

F. Confidence-building measures

41. In its public statements the Government has consistently emphasized its commitment to the right of the Serb population in Western Slavonia to obtain Croatian citizenship, as provided by Croatian law. As of mid-May, 1,070 Serbs formerly living in the "RSK" had formally applied for Croatian citizenship, with 675 receiving citizenship status and the rest still awaiting decisions.

42. By June, however, it had become apparent that considerable difficulties still face former "RSK" residents who wish to enjoy civic and social rights in Croatia. Because Croatia refuses to recognize official acts undertaken by the self-proclaimed "RSK", a full range of vital documents - including birth, marriage and death certificates - are considered by local authorities to be

without legal effect. Thus, reports have been received of elderly women being denied pension benefits accruing through their deceased husbands, since there is no "legal" evidence of their husbands' death. Birth certificates issued to children born in Western Slavonia by "RSK" authorities have been declared invalid by local Croatian officials. Similarly, in one case witnessed by the Special Rapporteur's field staff, a woman was denied permission to visit her husband in the prison at Bjelovar, since their marriage certificate issued by the "RSK" was deemed to be legally worthless.

43. Following the offensive, the Government of Croatia acted quickly to reinstall its civic authority throughout the territory formerly held by the "RSK". Ministers were appointed by the central Government to oversee day-to-day administration, and the Croatian police were assigned the task of ensuring security. Among the first steps undertaken by the authorities to assist the local population was the distribution of small sums of cash for the purchase of food and other necessities, and the establishment of free local bus transportation.

44. During his mission the Special Rapporteur met with representatives of the local Serbian population, headed by Mr. Veljko Djakula, to review progress made in confidence restoration. While presenting the Special Rapporteur with various facts indicating violations of the human rights of the Serbian population, they expressed their willingness to cooperate with the Croatian authorities in order to establish structures of civil society in the region. The Special Rapporteur discussed that problem during his subsequent meeting with Minister Ivan Majdak, the Croatian government representative in Western Slavonia. According to Mr. Majdak, the authorities are determined to integrate the local Serbian population into the local administration.

45. It appears, however, that the Government has acted relatively slowly in expanding its civic initiatives to include meaningful participation by members of the local Serb population. Only in early June were committees tentatively established in each of the territory's four municipalities to allow local residents to contribute to planning for the area's future. These committees, which are limited to an advisory role, are each composed of five representatives - three Croats and two Serbs. As of the end of June the committees had not yet commenced functioning.

46. Regarding the police force, the Government has stated that 50 Croatian police officers of Serb nationality have been included among those newly assigned to the former "RSK" region of Western Slavonia.

47. The elementary school of Pakrac (the only school functioning in the area as of mid-June), has branches in Gavrinica and Seovica where only Serb children attend. Classes in these branch schools have reportedly been conducted using exclusively the Latin script - an abrupt change for students who were accustomed to the Cyrillic script under the system maintained by the "RSK". The name of the school has been changed as previously it bore the name of an anti-fascist hero from the Second World War and the first lesson given to the children involved singing the Croatian anthem. Under Croatian law, nationality groups which comprise at least 8 per cent of the population, of which Serbs are one, are entitled to schooling in their own language. However, this provision has not yet been adequately implemented throughout

most of Croatia, and there is no indication that it will be implemented in Western Slavonia in the near future.

48. Most persons who worked as teachers while the "RSK" controlled the area have fled into the Serb-held territory of Bosnia and Herzegovina. Out of 10 teachers who remained at the end of June, only 4 (teachers of the natural sciences), had been asked to continue in their posts. This happened despite assurances given to the Special Rapporteur by the Croatian authorities that all remaining teachers could resume their posts in the schools. Other teachers now working at the Pakrac school in the formerly Serb-held area come from the Croatian part of the town.

49. An important test of the long-term security prospects in the Sector will come in the next two months, when the Croatian authorities expect to oversee the return to their dwellings of as many as 14,000 Croats displaced from the area by fighting in 1991. The Government has given no indication whether it intends to implement simultaneously the return to Croatian-held areas of Serbs similarly displaced four years ago.

50. It should be noted that a significant contribution to the restoration of confidence in Western Slavonia has been made by a coalition of 11 Croatian NGOs, under the name of the Coordination of Organizations for Human Rights. This group has opened an office in Gavrinica in which complaints on human rights matters are received and free legal advice offered.

G. Conclusions

51. The Croatian authorities are responsible for violations of human rights and humanitarian law during and after the military operation in Western Slavonia. Many of those violations were of a serious character; however, they did not appear to occur on a massive scale. The precise extent of those violations requires further investigation. The Croatian Government's denial to international observers of access to affected areas during the first week of the offensive created serious obstacles to verifying pertinent facts. In addition the Bosnian Serb de facto authorities obstructed the collection of information from Serbian refugees fleeing Western Slavonia, by refusing access to the field staff of the Special Rapporteur.

52. The "RSK" authorities are responsible for shelling a number of civilian areas which constitutes a serious violation of humanitarian law.

53. There are serious doubts concerning the credibility of data provided by the Croatian authorities in relation to the number of persons killed during the offensive, particularly among the civilian population. It appears that major differences also exist in the interpretation of the term "civilian population". Nevertheless, credible data given by various international sources indicate that the number of civilian dead exceeds Government figures.

54. It appears that the majority of detainees have been treated correctly. However, there have reportedly been a number of cases of physical and verbal abuse and other forms of degrading treatment. The legal situation of released prisoners has not been made clear and constitutes one of the elements influencing their decision to leave Western Slavonia.

55. The vast majority of the Serbian population has either already left or is determined to leave Western Slavonia. It seems that the main reason for this exodus is fear of possible repercussions. Both the Croatian authorities and international organizations have failed to do their utmost to prevent this exodus. Contradictory statements given by representatives of the Croatian authorities during the first few days following the offensive, and the later establishment of certain criteria for return, did not help to foster confidence in the intentions of the authorities.

56. The authorities have undertaken certain steps to restore confidence and to facilitate coexistence among the population. However, measures taken so far do not appear adequately to meet existing needs in this respect.

57. An important role in confidence-building has been played by the Coordination of Organizations for Human Rights, composed of NGOs from all over Croatia.

H. Recommendations

58. All doubts concerning events which happened in Western Slavonia during the military operation should be clarified and public opinion informed accordingly.

59. The Croatian authorities should identify all those killed and provide information to the families about the causes of death and the place of burial. Whenever necessary, exhumation should be carried out under the supervision of international experts. The Croatian authorities should also pursue criminal proceedings against persons suspected of having committed war crimes.

60. The legal status of those remaining in detention should be clarified immediately and their right to defence properly secured.

61. The Croatian authorities should accelerate the process of integrating representatives of the Serbian population into local administrative structures.

62. The school system in Western Slavonia should take into account the cultural identity of the Serbian population.

63. International and local organizations should continue to monitor the human rights situation in the region.

64. The process of the return of the displaced should be organized in a manner guaranteeing the respect of the human rights of all the population, including the right to property, and should also include the Serbian population which left the territory controlled by the Croats prior to May 1995.

II. BOSNIA AND HERZEGOVINA

A. Sarajevo

65. The Special Rapporteur was unable to visit Sarajevo during his recent mission owing to the deteriorating security situation. However, given the dramatic events which have unfolded in that area, it is imperative that attention is drawn to the human rights situation there. The information contained in the present report is submitted on the basis of information gathered by the field staff of the Special Rapporteur and that derived from other sources.

1. Targeting of the civilian population

66. In late February and early March 1995 there were reported incidents of shooting at trams on several occasions, which led to the curtailment of the service. There was some sniping activity by Bosnian Serb forces against civilians reported in March. On 23 March 1995, two young girls were killed in Grbavica by a sniper shooting from government positions. The army headquarters of the Government of Bosnia and Herzegovina expressed its regret at this incident and stated that the individual soldier concerned had been detained.

67. In late April the level of firing incidents increased and civilians were reported to have been killed or injured on an almost daily basis by shelling or sniping. On 25 April 1995, one civilian was killed and five others reported injured when small arms fire was opened against two buses in Sedrenik, a suburb of Sarajevo under the control of the Government of Bosnia and Herzegovina.

68. At the beginning of May, with the end of the Cessation of Hostilities Agreement, the situation rapidly deteriorated. The first major assault took place on 7 May 1995 when the Bosnian Serb forces shelled the Sarajevo suburb of Butmir, killing 9 people and wounding 50 others, with virtually all the victims being civilians. On 16 May 1995, some of the heaviest fighting in more than a year was reported resulting in 3 dead and 26 wounded. Civilian lives were heedlessly endangered as mortar shells were fired by the Bosnian Serb forces into densely populated areas. Military activity, including the firing of mortars, took place from government positions in the city.

69. Following the NATO airstrike on 25 May 1995, Serb retaliation included the shelling of Sarajevo, as well as other United Nations designated "safe areas", namely Tuzla, Gorazde, Srebrenica and Bihac. Heavy weapons were used from Ilidza to target civilian objectives in Hrasnica, resulting in two deaths and several casualties. One local source reported that a total of 41 civilians had been killed and 182 wounded in Sarajevo during the month of May 1995.

70. In an incident on 18 June 1995, 7 people were killed and 12 injured when a shell fired by the Bosnian Serb forces landed in the western suburb of Dobrinja. These civilians were killed in a queue at a water supply point, having been compelled to leave their homes by the cutting of the water supply

by the Bosnian Serb forces. It has been reported that between 18 and 23 June 1995, 22 civilians have been killed and many more injured by shelling. On 28 June 1995, the Bosnian Serb forces launched rocket attacks on the television centre, which resulted in the death of five people and the wounding of dozens of others. Both local people and foreign journalists were hurt in this attack. During the weekend of 1 - 2 July 1995, there was further indiscriminate shelling of Sarajevo by Bosnian Serb forces as a result of which 13 civilian deaths were reported. Targeting of civilian areas resulting in death and injury of the civilian population continues at the time of writing this report, with the renewal of heavy fighting in the region.

2. Harassment and attacks on United Nations personnel

71. There has been an ongoing pattern of humiliation of and attacks on United Nations personnel since the beginning of the year. United Nations peacekeepers have clearly been targeted on numerous occasions, sometimes resulting in death. On 14 and 15 April 1995, two French soldiers were killed and it was not possible to establish which party was responsible for these attacks. On 11 May 1995, another incident was reported in which a French soldier was critically injured by a sniper shot. In an incident on 16 May 1995, the Hidrogradnja building, which houses a local company and United Nations civilian personnel, was hit by three mortar shells but no one was injured. It was assessed that the fire emanated from Bosnian Serb Army positions.

72. Following the NATO airstrikes in May the situation on the ground rapidly worsened. In two incidents on Vrbanje bridge in Sarajevo on 26 and 27 May 1995 involving an exchange of fire between UNPROFOR and the Bosnian Serb forces, three United Nations peacekeepers and five soldiers of the Bosnian Serb forces were killed. In violation of international humanitarian law, Bosnian Serb Army solders fired phosphorus shells at UNPROFOR troops, forcing them to don masks, in an incident on Vrbanje bridge on 7 June 1995. One United Nations peacekeeper suffered injuries from this chemical attack. On 4 July 1995 the headquarters of the United Nations commander in Sarajevo was targetted by Bosnian Serb forces and 5 people suffered injuries as a result.

73. The detention of United Nations personnel and representatives of other international organizations has posed a serious problem since the beginning of the year and has been practised by both sides, although to a much greater extent by the Bosnian Serb forces. International agencies particularly report harassment of local staff working for them.

74. The taking of United Nations personnel as hostages by the Bosnian Serb forces following the NATO airstrikes in May presented the international community with a major crisis. The hostages were captured in stages in the days following the airstrikes of 25 and 26 May 1995, and the number of captives mounted to a final figure of 370. Television footage showed some of these hostages chained to military installations and used as human shields to deter further NATO airstrikes against Bosnian Serb Army targets. The hostage crisis continued for a period of three weeks until the final hostages were released by 18 June 1995.

75. In addition, since the beginning of the year, the Bosnian Serb forces have detained the following persons for periods of up to three months: a Jordanian journalist; a Bosnian journalist seized from an UNPROFOR personnel carrier; a local UNPROFOR interpreter; five employees of the non-governmental organization, Pharmaciens sans frontieres; a German non-governmental organization official; and two Swiss individuals.

76. The government has also been responsible for the detention and intimidation of international staff. At the beginning of February 1995, two individuals, including a UNHCR local employee, were seized from a United Nations vehicle and detained until 20 March 1995. On 28 April, UNPROFOR announced that four local employees had been taken into custody by the military authorities and accused of espionage. Cooperation required of the Government of Bosnia and Herzegovina under the Status of Force Agreement of 1992 has not been forthcoming, and in particular access to the detainees has been denied despite an appeal from the Special Representative of the Secretary-General. On 22 May 1995, three local UNPROFOR staff were detained by government authorities when they failed to show work permits. All three were eventually released.

77. Continuous restrictions on freedom of movement have hampered both the peacekeeping and humanitarian aspects of United Nations activities. UNPROFOR vehicles have been subject to harassment at Bosnian Serb forces checkpoints and numerous hijackings of United Nations vehicles have occurred.

3. Humanitarian situation

78. The humanitarian situation in Sarajevo has reached a desperate stage owing to the virtual blockade of the delivery of humanitarian aid at the present time by the Bosnian Serb forces. The situation since the beginning of the year has been grave and the suspension of both ICRC and UNHCR humanitarian aid flights has been a key factor in the deterioration of the food supply situation in the past few months. ICRC flights have been suspended since 11 March 1995 when a readily identifiable ICRC aircraft was hit while landing at Sarajevo airport - the first time this has occurred since the start of the conflict. On 8 April 1995, the UNHCR humanitarian airlift was suspended after a cargo plane was hit by small arms fire and the Bosnian Serb de facto authorities subsequently declined to give safety guarantees. At the time of writing this report the airlift remains suspended for what has become the longest such period in its history.

79. Without humanitarian airlifts, overland transport through Serb-held territory in Bosnia and Herzegovina has been the only means of bringing food into Sarajevo. This has posed great difficulties as the consent of the Bosnian Serb de facto authorities is required and restrictions are frequently imposed on freedom of movement. In early May 1995, UNHCR reported that the quantity of food reaching Sarajevo was well below that required to meet the minimum needs of the population. By June 1995, the food shortage in Sarajevo had reached very acute levels. Individual household reserves are running out and it is estimated that a large proportion of the population are wholly dependent on humanitarian aid. On 8 June 1995, UNHCR took its last food stocks from Sarajevo airport to the city and it was predicted that the main

bakery supplying the city with bread would run out of flour shortly. It was estimated that the normal biweekly distribution of aid would only meet 15 per cent of requirements.

80. Even in early May, before the full escalation of the conflict, the utility situation was reported to have been worsening as there was no gas at all in the city. After the NATO airstrikes on 25 and 26 May 1995, the Bosnian Serb de facto authorities placed additional pressure on the utilities by cutting the electricity and water supplies. This poses a very serious problem as 80 per cent of the water supply is controlled by the Bosnian Serb de facto authorities. The small amount of electricity available is only sufficient for emergency services such as government operations and hospitals. As a retaliatory measure the government cut the electricity supply to Serb-held areas in the vicinity of Sarajevo, such as Ilidza, Hadzici and Rajlovac. Eyewitnesses give disturbing accounts of civilians in Sarajevo being confined for hours in shelters, passing their nights in pitch darkness and spending their days searching for water.

B. Human rights violations against civilians in other United Nations designated "safe areas"

81. The continued targeting of civilian areas and the interference with humanitarian aid reveals a rampant disregard for the security and dignity of the civilian population in the United Nations designated "safe areas". The Special Rapporteur was unable to visit these areas on his recent mission and the information provided below is derived from the reports of his field staff and other sources.

82. In retaliation for the NATO airstrikes, the "safe areas" were shelled on 25 May 1995 by the Bosnian Serb forces. The shelling of Tuzla on that day will be remembered as one of the worst atrocities of the three-year war. The attack took place on a late spring day in a cafe area frequented by the youth of the town, and resulted in the death of 71 persons and the wounding of 151 others, 33 critically. The casualties were the result of the firing of a single mortar round. The victims came from all ethnic groups and were mostly between the ages of 18 and 25, with the youngest being just two-and-a-half-years old. The barbarity of this attack was highlighted by the youth and vulnerability of these particular victims. Eyewitness reports gave harrowing accounts of limbs and other parts of bodies being found strewn across the area.

83. On the same day other United Nations designated "safe areas" were also shelled. In Gorazde the toll included the death of five persons and the wounding of five others. In Srebrenica, two children were reported killed and five people injured, and Bihac was also attacked. Zepa was the only United Nations designated "safe area" to escape shelling on that day. Sarajevo was also shelled as has been referred to above. The humanitarian situation in the enclaves is grave at the time of writing this report, owing to the severe difficulties faced by food convoys in obtaining clearance from Bosnian Serb de facto authorities.

84. Prior to this drastic turn of events, the targeting of civilian areas in United Nations designated "safe areas" had been a problem since the beginning of the year. On one occasion in April, 10 shells were reported to have landed in Tuzla city. One landed on the premises of a school when it was in session, but did not explode. In early May 1995, Tuzla city was reported to have received 13 shells, which resulted in the injury of 18 persons. On 25 March 1995, the Bosnian Serb Army fired from within the Gorazde 20-kilometre exclusion zone into the Gorazde "safe area", which resulted in civilian casualties.

85. In Bihac there has been almost continuous fighting since the beginning of the year, resulting in civilian casualties. The humanitarian situation in the Bihac enclave has been a repeated source of concern throughout most of this year. In April and May, UNHCR expressed its concern about the critical food situation, saying that more than 90 per cent of the population was facing extreme food shortages. Reports were received of people skipping one or two meals a day and selling personal belongings in order to pay exorbitant prices for food on the black market. The difficulty of gaining access for convoys was stressed. At the time of writing this report, the humanitarian situation is extremely critical and reports have been received of the death of a young child and an elderly man from starvation.

86. In mid-June reports were received of shelling by the Bosnian Government forces of Doboj as a consequence of which a hospital was hit a few times and some casualties resulted.

87. At the time of writing this report, concerns are being expressed at the threat to civilian lives due to serious fighting in Bihac, Gorazde and Srebrenica, as well as in other areas such as the Brcko corridor.

C. Banja Luka

88. In his report of 21 April 1995 (E/CN.4/1996/3), the Special Rapporteur drew attention to the heightening persecution of non-Serbs in the Banja Luka region. Following the Croatian offensive in Western Slavonia, there have been further reports of human rights abuses being perpetrated against the non-Serbian population, particularly Croats, in that area. This increase in tension is due in part to the influx of some 10,000 refugees to north-western Bosnia from Western Slavonia.

89. At the outset of his recent mission, the Special Rapporteur made a specific request to the de facto Bosnian Serb authorities for permission to visit territories under their control in north-western Bosnia in order to investigate these allegations, and also to gather information from refugees concerning alleged human rights abuses against the Serb population in Western Slavonia. As no permission was received in answer to his request, the Special Rapporteur was unable to make a first-hand assessment of the situation. However, in the course of his mission, the Special Rapporteur had a meeting with representatives of Bishop Komarica, who was undertaking a dramatic protest in the form of a hunger strike at that time. The Special Rapporteur also had a telephone conversation with Bishop Komarica himself.

Whilst still on mission, the Special Rapporteur issued a statement on 2 June 1995, expressing his concern for the fate of the non-Serbian population in Banja Luka.

90. The most noticeable pattern to emerge from recent events is the proliferation of attacks on Catholic clergy and buildings. The Special Rapporteur has received numerous reports of explosions in Catholic churches and buildings leading to fires and material damage in many locations in the region, including Vujnovici, Trn, Sargovaci, Majdan and Motike. Explosive material has been thrown into the Bishop's residence in Banja Luka on various occasions in May and June and reports on attacks on individual homes of priests have also been received. The most serious incident of this kind took place on 12 May 1995 and resulted in the death of two people. On that occasion, a Catholic church and rectory in Presnace were set alight following an explosion, and the charred bodies of a priest and a nun were recovered from the remains.

91. In another incident, it was reported that on 7 May 1995, paramilitary forces entered a monastery in Petricevac, rounded up all the friars and nuns, and dynamited the building. During the incident, the oldest priest died, reportedly from a heart attack. The remaining clergy were then expelled and found refuge with the Bishop of Banja Luka. In a case on 17 May 1995, it was reported that armed men in civilian dress beat and ill-treated a Catholic priest and two nuns in their house in the village of Trn. The buildings and staff of the non-governmental Catholic organization, Caritas, have been targeted.

92. A case of forcible expulsion took place on 4 May 1995 when two groups of Catholic nuns were taken by soldiers from convents at Bosanski Aleksandorovac and Nova Topola. They were taken to a bridge at Bosanska Gradiska which links Bosnia and Herzegovina and Croatia and made to cross. The nuns were not physically ill-treated during the expulsion but had to pass over the bridge which is laden with mines.

93. There are similar reports of attacks and harassment of the Catholic laity and the Croat community at large. A particularly brutal murder was reported to have been perpetrated on 14 May 1995 in which an elderly Bosnian Croat couple were killed in their home in Motike. The husband was reported to have been decapitated.

94. A major incident of expulsion was reported on 27 May 1995 when a group of armed military uniformed men entered the village of Sargovac, forced some 50 Croats from their homes and took them on a bus in the direction of Laktasi-Bosanska Gradiska. They were not allowed to take anything with them and had to surrender the keys of their houses and identity papers. Some of the elderly people who refused to leave were beaten and forced onto the bus, and other Croats in Sargovac and its environs were threatened that they too would be expelled in the near future. Refugees from Western Slavonia were reported to have moved into the empty houses. The group of 50 Croats was finally located in hotels only to be expelled once again as the local authorities which were housing them no longer wished to be involved in the matter.

95. In his report of 21 April 1995, the Special Rapporteur referred to the arrest of virtually the entire local leadership of the Muslim humanitarian organization, Merhamet, on 28 February 1995. A number of those arrested have been held in military prison since then and recent reports have confirmed that nine of those arrested have been officially charged with espionage.

96. The Special Rapporteur notes that these incidents have been accompanied by developments at the official level concerning the movement of people from their homes. A census was carried out in May which required home-owners to give details of property ownership and asked whether they would be willing to exchange their houses. It is reported that some of those completing this census form have been forced out of their homes. Furthermore, a property exchange law was passed on 17 May 1995 allowing "Republika Srpska" citizens of Croat or Muslim origin to exchange property with Serbs from Croatia and non-Serb-controlled regions of Bosnia and Herzegovina.

D. Central Bosnia and the Mostar area

97. The Special Rapporteur's mission to this region followed a mission to the same area a year earlier, and was intended to review any developments which have taken place since then. The main issues addressed during the mission were the following: problems facing the establishment of the Federation of Bosnia and Herzegovina; the return of refugees and displaced persons; freedom of movement; problems of personal security; the humanitarian situation; and freedom of the press. The Special Rapporteur was particularly keen to observe what confidence-building measures had been taken to support the peaceful coexistence of the Croat, Muslim and Serb sectors of the population. This part of the report presents the Special Rapporteur's findings at the conclusion of his mission. In due course, a detailed report will be produced giving more thorough information about human rights violations in this area. The mission of the Special Rapporteur covered among other places, a number of towns which fall under the de facto state of "Herceg-Bosna". 2/

98. In his visit the Special Rapporteur aimed to explore the broad issues referred to above, particularly in relation to their impact at the local level. The Special Rapporteur found the Croat dominated municipality of Tomislavgrad to be in a calm situation and that some positive developments had taken place. Progress was reported to have been made in the federation process, with cantonal formation appearing to be moving smoothly. Religious tolerance towards the Muslim minority was also found. A mosque exists in the town and the Muslim community has been asked to invite its prayer leader, or Imam. The major problem facing the town is the very poor economic situation. There is little industrial activity in the area and this has led to acute unemployment; only 8 per cent of the population are employed. Although this is a problem for all, the Muslim minority appears to be more adversely

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2/ The de facto state of "Herceg-Bosna" is Croat controlled, lies in the west of Bosnia and Herzegovina and came into existence in 1992. It has a fully developed institutional structure with its own government, parliament, judiciary, police force and army. It uses the currency and language of the Republic of Croatia. Since the establishment of the federation of Bosnia and Herzegovina, this area is a consitutional part of the federation.

affected. Muslims find they are heavily reliant on humanitarian aid and that they are only able to obtain menial jobs which Croats are unwilling to take. There is still some evidence of mistrust in the relations between the two groups as Muslims are reportedly not represented in the police force or in the educational field. The problem of refugees and displaced persons is a pressing one in Tomislavgrad and owing to the lack of accommodation many of these individuals have occupied abandoned houses. The authorities are facing considerable difficulties in finding accommodation for them and are endeavouring to establish a collective centre to house them.

99. In his discussions concerning Livno, the Special Rapporteur was concerned to find that a hostile attitude persisted towards the minority Muslim population. The Special Rapporteur was informed that some 80 per cent of Muslims had already left the area and that the exodus was continuing because of political pressure. Reports of human rights violations against Muslims continue to be received, with cases of evictions from flats, discrimination in employment, desecration of mosques, intimidation and physical attacks. The municipal institutions are reportedly to blame for this poor protection of minority rights. They are reported to have placed obstacles in the way of Merhamet and the local Red Cross in their distribution of aid to the local Muslim community. Livno is close to the front line and has continued to be shelled by Bosnian Serb Army positions. The Special Rapporteur intends to investigate the situation of the human rights of the Muslim population in Livno further.

100. The Special Rapporteur repeated his visit of July 1994 to Bugojno and found that the situation of the Croat and Serb minorities in that town was still unsatisfactory. These minority groups still do not feel integrated into this Muslim-dominated area and lack representation in the administration, police force and cultural life. Bitterness about the disappearance during the war of 26 Croats, whose fate is still unknown, is a continuing source of tension. Evictions from apartments continue and the question of the return of displaced persons and refugees remains unsolved.

101. The Special Rapporteur was much encouraged by the improved human rights situation in Gorni Vakuf, which represents a positive example of cooperation between Croats and Bosniaks. Indeed, he was able to meet the mayors of both communities in the same meeting and noted the awareness and consideration they showed for each other's problems. The communities are still quite separate in some respects, with separate police forces and medical centres but there are signs of increasing cooperation. There are a few joint economic projects, such as a proposed housing project known as "Village of Peace". The main problem facing this municipality is the question of financial and material resources for reconstruction efforts. The abiding problem of refugees and displaced persons remains, but a solution for this is sought at the federal and not the local level.

102. The Muslim community in Prozor continue to experience major infringements of their human rights. Prozor has witnessed dramatic population changes due to the conflict, as in many other places. There has been a sharp decline in the size of the Muslim population from some 7,500 individuals prior to the conflict to only 143 at present. They are reported to live in a ghetto-like situation on the outskirts of Prozor and their freedom of movement is

curtailed, they cannot pass through Prozor and are unable to obtain employment there. The Special Rapporteur was informed that their economic situation is very poor.

103. The Special Rapporteur also had discussions with representatives from the towns of Stolac and Capljina. Both municipalities are almost exclusively Croat in population as most Muslims and Serbs have left. Stolac is close to the front line and has suffered a heavy battering in the course of the conflict. Basic conditions necessary for the return of refugees and displaced persons do not exist. In Capljina, the human rights situation of minorities remains of concern. The Special Rapporteur has received continuing reports of evictions of Muslims and Serbs, families of members of the former Yugoslav National Army. The authorities have placed some limitations on movement into the town. Muslims remaining in the city are reported to live in fear and prefer to stay at home to avoid harassment and intimidation.

104. The Special Rapporteur last visited Mostar in July 1994. Through the efforts of the European Union administration in Mostar, there have been some positive developments in terms of the reconstruction of the infrastructure and the economy. In the past 10 months, progress has been made on the reconstruction of schools, with 10 schools being rebuilt up to now. The European Union administration is managing a building project and housing repair scheme for more than 3,500 damaged buildings located in both sides of Mostar. In April 1995, a public transport system was established and the water and electricity supplies are operational. In order to reinvigorate the economy, the European Union administration has developed a programme for reviving small enterprises which will lead to the creation of 900 jobs. The European Union administration has also played a key role in enhancing dialogue as a means of resolving disputes by bringing the parties together.

105. The Special Rapporteur notes that the European Union administration is facing difficulties in reunifying the city. The question of the freedom of movement between East and West Mostar is a continuing problem as at present only 250 persons per day from each side are able to cross from one side to the other. The Special Rapporteur finds this wholly unsatisfactory and recommended in the course of his meetings that this number be doubled. One positive development which has been noted in this regard is that medical personnel and patients in need of medical assistance are now allowed to move freely between East and West Mostar. No progress has been made on the establishment of a unified police force, and this lack of cooperation obviously affects levels of criminality in the city and the security of its citizens.

106. Unemployment is a problem for the whole city, however, it is noticeable that minority groups in areas where another nationality predominate, suffer more and appear to be targeted in terms of being denied employment and being dismissed from employment when they have it. Reports have been received that displaced persons and refugees of the majority group in these areas are given favourable treatment in terms of employment. One Muslim woman reported that she and nine other Muslim employees were dismissed on 9 May 1993 from their employment with the Finance Department, West Mostar municipality, and are still endeavouring to be reinstated. Reports have also been received from other Muslims who lost their jobs at the outbreak of the conflict and have

been unable to be reinstated. Evictions have diminished since the European Union took over the administration of the city, but reports, particularly of the evictions of Muslims in Croat-controlled West Mostar, continue to be received. On 12 April 1995, a 73-year-old Muslim woman was evicted from her apartment in West Mostar and subjected to a violent physical attack by a Croat couple from Jablanica, which resulted in injuries requiring hospitalization. Furthermore, the Western European Union police have registered 159 eviction complaints which allegedly involved violent attacks.

107. Minority groups suffer discrimination in terms of the inequitable distribution of humanitarian aid by local agencies. The Serbs are most affected because they do not have a humanitarian organization of their own which caters for their needs. The Muslims in West Mostar have been unable to establish a branch of the Merhamet Association, which could help meet their humanitarian needs. The Special Rapporteur has also been informed that minority groups are mobilized to perform work obligations, which may include the digging of trenches at confrontation lines under life-threatening conditions. It is reported that many Serbs and Muslims have received notification to enlist in the Croat Defence Council (HVO), which has forced many of them to go into hiding to avoid such an obligation. Serbs and Muslims in West Mostar are unable to partake fully in religious activities owing to the absence of an Orthodox church and a mosque in West Mostar. Reports received by the Special Rapporteur indicate that human rights violations against the Muslim population in Croat-controlled West Mostar far exceed those against minority groups in Muslim-controlled East Mostar.

108. Shelling of Mostar by the Bosnian Serb Army has been reported since the beginning of the year. This has intensified since late May with the deterioration of the security situation in Bosnia and Herzegovina as a whole, and has resulted in civilian casualties. The Special Rapporteur notes the distress of the parents of the 13 missing Bosniak soldiers who were captured in battle in 1993 by the Croat Defence Council (HVO) and have still not reappeared and trusts that the special process dealing with the problem of missing persons in the territory of the former Yugoslavia may assist in solving this problem.

E. Conclusions and recommendations

1. United Nations designated "safe areas"

109. There has been a violent escalation of military attacks on civilians by Bosnian Serb forces which has resulted in the large-scale loss of life and injury. Civilians have been callously and precisely targeted on numerous occasions by shelling and sniper attacks. It is a cause for concern that sniping incidents have increased, especially as children have been known to be targets. The Special Rapporteur recalls his conclusion in his third periodic report (E/CN.4/1994/6) that sniping at civilians to kill or wound deliberately those taking no part in hostilities constitutes a war crime. Therefore, snipers should be among those tried and sentenced for grave breaches of humanitarian law.

110. The Special Rapporteur recalls his recommendation in his first report (E/CN.4/1992/S-1/9) that heavy weaponry on the territory of Bosnia and Herzegovina should be immediately neutralized by being grouped under the supervision of UNPROFOR if necessary. This recommendation has clearly not been fully observed and has placed at risk the safety of the civilian population.

111. The humanitarian situation is grave in these areas owing to constant interference by the Bosnian Serb de facto authorities with the transport of humanitarian supplies. Control of utility supplies has been used as a weapon of war.

112. The intimidation and harassment of United Nations personnel has reached an unprecedented scale. Both the Government of Bosnia and Herzegovina and the Bosnian Serb de facto authorities have been responsible to a degree for perpetrating these acts. However, the Bosnian Serb de facto authorities bear a far greater degree of responsibility in terms of the severity of acts which they have committed against international personnel.

113. The Special Rapporteur reminds those concerned that these attacks against the safety and dignity of civilians constitute very serious violations of international humanitarian law. He calls upon all those responsible to cease these acts immediately.

2. Banja Luka

114. The situation of minorities in Banja Luka has been rapidly worsening since the Special Rapporteur alerted the international community to this problem in his report of 21 April 1995 (E/CN.4/1996/3). Grave human rights violations have occurred, with serious attacks on individuals and property sometimes leading to death. There have also been other forms of intimidation forcing non-Serbs to leave the area. The Bosnian Serb de facto authorities are culpable in allowing these acts to continue.

115. The Special Rapporteur calls on the Bosnian Serb de facto authorities to denounce these practices and to take all necessary measures to ensure these human rights violations do not continue. He also requests that access be granted to himself or his field staff in order that a first-hand assessment of the human rights situation may be made.

3. Mostar

116. Progress towards the reunification of Mostar is occurring at a halting pace. Freedom of movement between the two parts of the city is very restricted and limited progress has been made in terms of joint institutional developments. Human rights violations, particularly against the Muslim population in Croat-controlled West Mostar continue to be a cause for concern. In addition the human rights of the Serb community in both parts of Mostar are not adequately safeguarded.

117. The Special Rapporteur urges both sides to cooperate fully in working towards a speedy reunification of the city as this would greatly assist the human rights situation. As an immediate step he recommends that the number of

persons allowed to cross from one side of the city to another each day be doubled. He urges the authorities, particularly in West Mostar, to be extra vigilant that human rights of the non-Croat population are protected.

118. The Special Rapporteur encourages the international community to continue its financial support for the badly needed restoration work which is ongoing in Mostar.

4. Bosnia and Herzegovina Federation

119. Greater efforts are needed in establishing federal institutions, particularly a joint federal police force and an independent judiciary.

120. The Special Rapporteur strongly recommends that immediate steps be taken to facilitate decisions at the federal level concerning the return of refugees and displaced persons.

121. The Special Rapporteur acknowledges the highly important role played by the institution of the Federation Ombudsman in the protection and promotion of human rights.

Annex

PROGRAMME OF MEETINGS OF THE SPECIAL RAPPORTEUR DURING THE MISSION
(23 May - 2 June 1995)

Monday, 22 May

Zagreb

Meeting with Ambassadors to Croatia of Members of the Contact Group and Hungary (current President of the Organization for Security and Cooperation in Europe (OSCE)), at the invitation of the Polish Ambassador.

Tuesday, 23 May

Zagreb

Mr. Yasushi Akashi	Special Representative of the Secretary-General
Mr. Michel Moussalli	Head of Civil Affairs, UNPF
Mr. Erkki Heinonen	Deputy Chief of Mission - Croatia, UNHCR
Mr. David Riley	Deputy Chief of Mission - Bosnia and Herzegovina, UNHCR
Mr. Jan Bolling	Protection Officer, UNHCR
Mr. Steve Corliss	Protection Officer, UNHCR
Mr. Alex Braunwalder	Head of Delegation - Croatia, ICRC
Mr. Walter Fuellemann	ICRC delegate
Mr. Wladyslaw Neneman	Deputy Chief of Humanitarian Affairs, European Community Monitoring Mission (ECMM)
Mr. Milorad Pupovac	President of the Serb Independent Party
Mr. Cedo Prodanovic	Lawyer from Zagreb
Mr. Milan Djukic	President of the Serbian Popular Party, Vice-President of the Croatian Parliament
Mr. Veselin Pejnovic	Vice-President of the Serbian Popular Party, Member of Parliament

Visit to the Remetinec prison in Zagreb, meeting with Serbian detainees

Wednesday, 24 May

Western Slavonia

Mr. Graham Day	Civil Affairs Coordinator - Daruvar, UNPF
Ms. Christine McCallum	Civil Affairs Officer - Daruvar, UNPF
Officers of UNCIVPOL	
Mr. Veljko Djakula	Leader of Serb community in Western Slavonia
Mr. Obrad Ivanovic	Leader of Serb Community in Western Slavonia
Residents of the Serbian Community of Brusnik	
Mr. Ivan Majdak	Minister in the Government of Croatia
Mr. Nikola Ivankec	Chief of Police for the Pakrac region
Representatives of the Coordination of Organizations for Human Rights	

Thursday, 25 May

Zagreb

Mr. Kasim Trnka	Ambassador of Bosnia and Herzegovina to Croatia
Mr. Ivan Jarnjak	Minister of the Interior of Croatia
Dr. Miljenko Anicic	Vicar General of the Banja Luka Bishopric, Zagreb

Press conference and interviews with UNTV and UNPF Radio

Medugorje	
Colonel Samuel Pellicer	Commander, UNPROFOR Spanish battalion
Mostar	
Mayor Hans Koschnick	European Union Administrator of Mostar
Friday, 26 May	
Mostar	
Mr. Bill Townsend	Civil Affairs Officer, UNPROFOR
Colonel Jan Meijvogel	Western Police Commissioner
Ms. Michelle Brauen	ICRC Head of Delegation
Mr. Jerrie Hulmes	Head of UNHCR, Medugorje
Mr. Bacht Karam	UNHCR Programme Officer, Medugorje
Mr. Peter Deck	UNHCR Protection Officer, Medugorje
Mr. Tony Smith	UNHCR Logistics Officer, Mostar
Ms. Rowena Judd	UNHCR Field Officer, Medugorje
Ambassador Klaus Metscher	Diplomatic Adviser to the European Union Administration of Mostar (EUAM) Administrator
Sir Martin Garrod	Chief of Staff, EUAM
Ambassador Constantine Zepos	EUAM Ombudsman
Ambassador Bo Kalfors	EUAM Refugee Adviser
Ambassador Skjold Mellbin	OSCE Head of Mission in Sarajevo
Mr. Hans Birchler	EUAM Legal Adviser
BIH Women Association, East Mostar Centre for Human Rights - local NGO, Medugorje	
Marie Stopes International, Mostar	
Mr. Mandelbaum Zoran	Representative of the Jewish Community
Mr. Mehmed Dizdar	Former Mayor of Stolac, Chairman of Rama-Neretva-Hum Coordination Board

Saturday, 27 May

Mostar

Mr. Kresimir Zubak	President of the Bosnia and Herzegovina Federation
Mr. Vladislav Pogarcic	Deputy Foreign Minister of the Bosnia and Herzegovina Federation
Mr. Mijo Brajkovic	Mayor of West Mostar
Mr. Borislav Puljic	Deputy Mayor of West Mostar
Mr. Slobodan Bozic	Croat Herceg-Bosna liaison with organizations
Mr. Hamdija Jahic	Deputy Mayor of East Mostar
Mr. Rusmir Cisic	Counsellor to the Mayor of East Mostar
Mufti Hadzismail	Mufti of Mostar
Efendija Smajkic	Mufti of Mostar
Bishop Dr. Ratko Peric	Catholic Bishop of Mostar
Members of the Serb Community of West Mostar	
Families of killed or disappeared persons in East Mostar	

Sunday, 28 May

Tomislavgrad

Mr. Mijo Tokic	Mayor of Tomislavgrad
Merhamet and Moslem Association from Livno	

Gornji Vakuf

Brigadier Andrew Pringle	UN Sector South-West Commander
Mr. Jay Carter	UN Senior Civil Affairs Officer
Mr. Waheed Wahadullah	UN Civil Affairs, Gornji Vakuf

Mr. Jacques Wadestrand	UN Civil Affairs, Bugojno
Mr. Lane Visser	UNHCR Liaison Officer
Ms. Arvase Patel	UNHCR Protection Officer
Capt. Andrzej Sawicki	UNCIVPOL Liaison Officer
Colonel Khalil	Sector South-West Deputy Commander

Monday, 29 May

Gornji Vakuf

Mr. Abdulah Garaca	Mayor of Gornji Vakuf
Mr. Ivan Saric	Mayor of Ustupje

Bugojno

Mr. Dzevad Mlaco	Mayor of Bugojno
Representatives of the Muslim displaced from Prozor	
Representatives of the Croat Council of Bugojno	
Representatives of the Serb Community in Bugojno	
Mr. Jure Juric	Mayor of Prozor

Mostar

Ms. Branka Raguz	Federation Ombudsman
Mr. Esad Muhibic	Federation Ombudsman

Tuesday, 30 May

Mostar

Press Conference

Capljina

Mr. Krunoslav Kordic	Mayor of Capljina

Stolac	
Mr. Andjelko Markovic	Mayor of Stolac
Wednesday, 31 May	
Dubrovnik	
Mr. Srdj Jaksic	Lawyer from Dubrovnic
Ms. Branka Skansi	Lawyer from Dubrovnic
Mr. Zdravko Bazdan	Representative of the Croatian Helsinki Committee
Thursday, 1 June	
Zagreb	
Msgr. Franjo Kuharic	Catholic Archbishop
Mr. Milenko Popovic	Orthodox priest
Mr. Vladimir Primorac	Former Judge of the Supreme Court
Mr. Petar Novoselec	Former Judge of the Supreme Court, President of the Association of Judges of Croatia
Mr. Petar Mrkalj	Coordinator of the Croatian Helsinki Committee Office, Karlovac
Ms. Veronika Reskovic	Anti-War Campaign - Group for Direct Protection of Human Rights
Mr. Zivko Juzbasic	Member of Parliament
Mr. Slobodan Lang	Ambassador-at-Large for Humanitarian Affairs
Friday, 2 June	
Zagreb	
Dr. Ivica Kostovic	Vice Prime Minister
Dr. Mate Granic	Vice Prime Minister, Minister for Foreign Affairs

Dr. Adalbert Rebic	Director, Office of Displaced Persons
Mr. Bosiljko Misetic	Vice Prime Minister, Special Envoy of President Tudjman for the Federation
Mr. Zvonimir Cicak	President of the Croatian Helsinki Committee
Mr. Slobodan Budak	Vice President of the Croatian Helsinki Committee
Professor Ivo Banac	Member of the Croatian Helsinki Committee
General Ray Crabbe	Deputy Force Commander of UNPF